

USSN 10/500,945
Page 6

REMARKS

With entry of the present amendment, claims 1 and 3 – 31 are pending. Claims 1, 6, 17 and 20 have been amended; claim 2 was previously cancelled and claims 24 – 31 are new. New matter has not been introduced by the instant amendment. Pending claims 1, 6 and 17 are independent claims.

Applicants acknowledge the previous rejection under 35 U.S.C. §102 has not been maintained by the examiner. The claims as presented in the previous response have been rejected under 35 U.S.C. §112, first and second paragraphs and applicants respectfully traverse said rejections.

Independent claims 1 and 17, directed to a browning composition and independent claim 6, directed to a method for preparing a foodstuff for browning in a microwave have been amended to recite that the browning agent is provided in an amount sufficient to effect browning. Support is found throughout the disclosure, e.g., see page 11, lines 28 – 32 of the published PCT application. Claim 20 has been amended to correct the spelling of "dairy".

New dependent claims 24 – 26 further define the amount of browning agent to be included in the composition or methods and reference is made to page 11, line 30 through page 12 line, 3.

New claims 27, 28, and 29 further define the browning composition as an aqueous solution, and claims 30 and 31 further define the browning composition as a dry mixture. Support is found, for example in the specific examples and at page 10, line 15 of the published PCT disclosure wherein it is stated, "While an aqueous carrier is beneficial to enable the application of the browning compound to the substrate surface by topical application or spraying, application of a dry mixture of the browning agent with or without the amine source to the substrate is contemplated by the inventors."

Rejection under 35 U.S.C. §112, first paragraph.

The examiner has rejected the claims under 35 U.S.C. §112, first paragraph. The examiner has stated, "because the specification, while being enabling for a browning agent used in the amounts described on page 11, lines 23 – 36 does not reasonably provide enablement for the use of any and all amounts of browning agent in a food." Applicants have amended each independent claim to include that the browning agent is "provided in an amount sufficient to effect browning". Not only does the

USSN 10/500,945

Page 7

specification provide specific amounts and ranges of the browning agent which would be useful but also the specification teaches how the effect of the browning agent may be ascertained using various spectrophotometric or visual inspection methods.

Rejection under 35 U.S.C. §112, second paragraph.

The examiner has rejected the claims under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicants regard as the invention. Applicants respectfully disagree with the examiner and request withdrawal of the rejection. The examiner has stated, "It is not seen that any and all amounts of sugar acid and amine compounds in any and all formats (powder or liquid) are effective to product (sic) a browning composition."

The examiner has stated an amendment to the claims "clarifying that the sugar acid is used in a solution that is used in an amount effective to product (sic) browning in a food when it is microwaved, would overcome the rejection."

As stated above, applicants have amended the claims to include that the browning agent must be provided in an amount sufficient to effect browning. However, applicants contend that the claims need not be limited to the form of the browning composition (a liquid or dry (powder) form). While browning compositions provided as a solution are exemplified in the experimental section and may be a preferred form, applicants have clearly stated that the browning agent/browning composition may be a dry mixture.

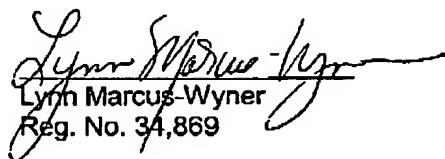
Applicants respectfully request withdrawal of all pending rejections and assert that the present claims are in condition for allowance. If in the opinion of the examiner a

USSN 10/500,945
Page 8

telephone conference would expedite the prosecution of the subject application, the examiner is encouraged to call the undersigned at (650) 846-7620.

Respectfully submitted,

Date: January 31, 2006



Lynn Marcus-Wyner
Reg. No. 34,869

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7620
Fax: 650-845-6504